

DEC 02 2004

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**To: U.S. Patent and Trademark Office
MS RCE**

Facsimile: (703) 872-9306

From: Karen R. Zachow, Ph.D. – Reg. No. 46,332

Date: December 2, 2004

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Comments:

ATTORNEY DOCKET: 377882001420
GROUP ART UNIT: 1645
EXAMINER: N. Minnifield
SERIAL NO.: 09/927,422
FILING DATE: August 10, 2001
INVENTOR(S): Gary VAN NEST et al.
TITLE: BIODEGRADABLE IMMUNOMODULATORY FORMULATIONS
AND METHODS FOR USE THEREOF

Papers Attached:

- 1. Request for Continued Examination (RCE) Transmittal (1 page)**
- 2. Fee Transmittal (1 page + duplicate for fee processing)**
- 3. Petition for Extension of Time (1 page)**

sd-233519

PAGE 1/5 * RCVD AT 12/2/2004 8:45:37 PM [Eastern Standard Time] * SVR:USPTO-EFAX-1/4 * DNIS:8729302 * CSID:858 720 5125 * DURATION (mm-ss):02-18

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<p align="center">Request For Continued Examination (RCE) Transmittal</p> <p>Address to: MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p>	Application Number	09/927,422
	Filing Date	August 10, 2001
	First Named Inventor	Gary VAN NEST
	Art Unit	1645
	Examiner Name	N. Minnifield
	Attorney Docket Number	377862001420

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. Other Consider the arguments in the Response to Final Office Action filed 11/2/04.

b. Enclosed

i. Amendment/Reply

ii. Affidavit(s)/Declaration(s)

iii. Information Disclosure Statement (IDS)

iv. Other Fee Transmittal (1 page + duplicate for fee processing); Petition for Extension of Time(1 page); Facsimile coversheet (1 page)

2. **Miscellaneous**

a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952. I have enclosed a duplicate copy of this sheet. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

i. RCE fee required under 37 CFR 1.17(e)

ii. Extension of time fee (37 CFR 1.136 and 1.17)

iii. Other _____

b. Check in the amount of \$ _____ enclosed

c. Payment by credit card (Form PTO-2036 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature		Date	December 2, 2004
Name (Print/Type)	Karen R. Zachow, Ph.D.	Registration No.	46,332

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at (703) 872-8300 on the date shown below.

Dated: December 2, 2004 Signature: (Grace Yu)

sd-233507

PTO/3817 (10-04v2)

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<h1 style="text-align: center;">FEE TRANSMITTAL</h1> <h2 style="text-align: center;">for FY 2005</h2> <p style="text-align: center; font-size: small;">Effective 10/01/2004. Patent fees are subject to annual revision.</p>		Complete if Known	
		Application Number	09/927,422
		Filing Date	August 10, 2001
		First Named Inventor	Gary VAN NEST
		Examiner Name	N. Minnifield
		Art Unit	1645
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	377882001420
TOTAL AMOUNT OF PAYMENT (\$) 555.00			

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account:

Deposit Account Number: **03-1952**

Deposit Account Name: **Morrison & Foerster LLP**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1058	130	1058	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1480	130	1480	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(a)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (Times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	780	2810	390	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	395.00
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify): Two month extension of time (minus one month previously paid: \$215.00 - \$55.00 = \$160.00)					160.00
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$)	555.00

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	150	2005	80	Provisional filing fee	
SUBTOTAL (1) (\$)					0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	=	Extra Claims	x	Fee from below	=	Fee Paid
Independent Claims	=		x		=	
Multiple Dependent	=		x		=	

Large Entity		Small Entity		Fee Description	
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	58	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	Reissue independent claims over original patent	
1205	18	2205	9	Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					0.00

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		<i>(Complete if applicable)</i>	
Name (Print/Type)	Karen R. Zachow, Ph.D.	Registration No. (Attorney/Agent)	46,332
Signature	<i>Karen R. Zachow</i>	Telephone	(858) 720-5191
		Date	December 2, 2004

sd-233511

PTO/SB/H7 (10-04v2)
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		Filing Date	August 10, 2001
		First Named Inventor	Gary VAN NEST
		Examiner Name	N. Minnifield
		Art Unit	1645
		Attorney Docket No.	377882001420
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT (\$) 555.00			

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account.

Deposit Account Number: **03-1952**

Deposit Account Name: **Morrison & Foerster LLP**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayments of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
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1052	60	2052	26	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
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1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
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1252	430	2252	215	Extension for reply within second month	
1253	860	2253	430	Extension for reply within third month	
1254	1,630	2254	785	Extension for reply within fourth month	
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1480	130	1480	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Sheet	
9021	40	9021	40	Recording each patent assignment per property (times number of properties)	
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Other fee (specify)				Two month extension of time (minus one month previously paid: \$215.00 - \$55.00 = \$160.00)	160.00
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$)	555.00

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1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
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1004	780	2004	395	Reissue filing fee	
1005	180	2005	90	Provisional filing fee	
SUBTOTAL (1) (\$) 0.00					

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims: ** = x =
 Independent Claims: ** = x =
 Multiple Dependent: =

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
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1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$) 0.00					

** or number previously paid, if greater. For Reissues, see above

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Karen R. Zachow, Ph.D.	Registration No. (Attorney/Agent)	46,332
Signature	<i>Karen R. Zachow</i>	Telephone	(858) 720-5191
		Date	December 2, 2004

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